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NSC FOR ABRAMS/SINGH/MARCHESE/HARDING

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SUBJECT: NABIH BERRI SEEKS USG HELP TO DERAIL LAHOUD-SYRIAN
PLOT TO DESTROY PARLIAMENT (NO KIDDING)

Classified By: Jeffrey Feltman, Ambassador, per 1.4 (b) and (d).

SUMMARY AND COMMENT

1. (S) Describing President Emile Lahoud as a "bastard," Parliament Speaker Nabih Berri used a 5/9 meeting with the Ambassador to seek USG help in derailing what Berri suspects is a diabolical Syrian-inspired plot Lahoud plans to implement to destroy Lebanon's parliament. (Yes, gentle reader, the previous sentence is correct as written.) As if forgetting that he is the one holding the power to open Parliament's doors, Berri outlined a scenario by which Lahoud, drawing on his insistence that the Siniora cabinet does not legally exist, will use a creative interpretation of the constitution to dissolve parliament unilaterally when it fails to meet in its ordinary session that expires May 31. At that point, Lahoud will argue that he is free to appoint a new prime minister and cabinet, without the need for parliamentary approval. And this sets up a scenario by which Lebanon is plunged into new legislative elections. The emerging pro-Syrian majority would then elect Lebanon's new president, or the Lahoud-appointed cabinet would inherit the powers of the presidency. Describing the "plot" to destroy the constitutional institution he controls, Berri gave a very believable performance of vein-popping rage.

2. (S) As the new cabinet begins work, the March 14 majority would continue to recognize the Siniora cabinet and the existing parliament and proceed with its own presidential elections. Lahoud's scheme as described by Berri would, at a minimum, set up two entirely parallel structures: two PMs, cabinets, parliaments, and presidents. But it would be more likely that Lebanon would be plunged into chaos, with institutions splitting and the army sitting on the sidelines as the two parallel structures battled for supremacy. To avoid this, Berri advocates a first step that we have long urged he grab: open the parliament, thus preventing Lahoud from dissolving it. He is now on board, but under limited conditions he seeks our help to impose with our March 14 contacts. We are inclined to do so, in order to avoid his worst-case scenario, but we have to consider carefully what tricks Berri himself has up his sleeve. When asked about the impact of potential Chapter VII approval of the tribunal, Berri threw up his hands: "approve it Under Chapter VII, Chapter 67, or whatever -- I don't care!" While Berri seemed to speak with far more candor than usual, we, of course, remain skeptical that the alliance he advocates to thwart a Syrian-inspired plot is a lasting one. End summary and comment.

SPEAKER SAYS LAHOUD TO DESTROY
THE HOUSE OF BERRI -- I.E., PARLIAMENT

13. (S) Shooing the aides and Embassy notetaker from the room immediately after the television cameras had panned the ordinary-looking meeting, Parliament Speaker Nabih Berri opened his 5/9 meeting with the Ambassador with what struck us as a self-evident observation: "Lahoud is a bastard!" Berri pronounced, jumping from his chair. Berri, who insisted that the Ambassador not share this information with anyone, said that he had belatedly put two and two together to discover a diabolical plot by Lahoud to destroy Lebanon's parliament. At the last moment, Berri relized that he was being used by Lahoud in a scheme that would throw him out of his own position asspeaker and possibly thrust him into permanent irrelevance. "Lahoud hates me, and he knows I hate him. He thinks he's found a way to beat me."

AHOUD STARTS BY DECLARING
SINIORA CABINET NULL AND VOID

14. (S) oing into detail while thumbing through the Lebaese constitution, Berri explained that the scheme tarts with Lahoud's repeated insistence, submitt'd frequently in writing and orally, that the Siniora cabinet does not exist legally at all -- not ven in caretaker status. This establishes a recrd that there is a constitutional vacuum where te office of the Prime Minister and the cabinet as whole should be. Thus, the powers of those offices can be argued to revert to the President himslf.

NEXT, PREVENT PARLIAMENT FROM MEETING,
AN USE CONSTITUTION TO DISSOLVE IT

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15. (S) The next step for Lahoud is to wait until May 31, when the ordinary session of the parliament expires, without the parliament having met in a single session. At this point, Lahoud invokes Article 65, which allows for the dissolution of the parliament if, "for no compelling reason, (the Chamber of Deputies) fails to meet during one of its regular sessions. . . . While Article 65 empowers the Council of Ministers at the request of the President to dissolve the parliament, if there is no Council of Ministers, then Lahoud will argue that he is solely responsible.

WITHOUT PARLIAMENT, LAHOUD
IS FREE TO APPOINT PM, CABINET

16. (S) Once the parliament is dissolved (and, more importantly for the purpose of this discussion, Berri is without a job or role), then Lahoud will appoint a new prime minister. While Lebanon's parliament calls for mandatory consultations by which the president is bound to ask the candidate who receives the most support from MPs to try to form a cabinet, if there is no parliament, then there are no MPs to bestow their choices for PM in the president's hand. Moreover, the new PM can choose whatever ministers he and Lahoud agree upon, as well as whatever government program they want, because there is no parliament to give a vote of confidence. "A coup d'etat!" Berri roared.

AND LAHOUD GIVES PRESIDENCY
TO ANOTHER PRO-SYRIAN STOOGES

17. (S) At this point, two scenarios emerge. Article 25 of the constitution calls for new parliamentary elections within three months, in the case of the dissolution of the parliament. While elections would by necessity be conducted under the discredited 2000 election law (as there is no

cabinet and no parliament to approve a new law), a pro-Syrian majority would certainly emerge this time, given the near certainty that March 14 supporters would boycott both running and voting. That pro-Syrian majority in the new faux parliament would then be in place in time to elect Lebanon's next president to succeed the stooge extraordinaire when Lahoud's term expires November 24. The second scenario would be that no elections take place, and the cabinet appointed by Lahoud assumes the role of the presidency until such time as new parliamentary elections can be held.

'PLOT' EXPLAINS LAHOUD'S RECENT CURIOUS ACTIONS

18. (S) Berri said that this "plot" explains two recent developments that previously he found curious. First, he wondered why Lahoud had not "taken the pressure off me" for a month, by invoking Article 59 of the constitution. That article gives the president the right to ask parliament to adjourn for a month. Berri said that he wanted Lahoud to use that, so that he was not the only person blamed for keeping parliament closed. But now he realizes that Lahoud, had he used Article 59, would not be able to invoke the constitution in dissolving parliament -- there would suddenly be a "compelling reason" why parliament didn't meet. The second strange thing is that, according to information Berri has, Prime Minister Siniora offered to Lahoud in a recent phone call to resign, once the tribunal was established, if Lahoud would recognize his cabinet as a caretaker cabinet according to the constitution. Lahoud reportedly refused. That struck Berri initially as strange, since Siniora's resignation offer would normally be something Lahoud should seize. But, if Lahoud recognized Siniora's cabinet as a caretaker cabinet, then the normal consultative process would begin, derailing the coup plot.

OPENING PARLIAMENT -- BUT IN A LIMITED WAY

19. (S) The Ambassador noted that there was one easy way to avoid the entire scenario: open parliament at once, as so many people have been urging. "I'm coming to that," Berri said, stating that he needed our help. He said that he wanted to open parliament in such a way so as to avoid implying legitimacy on the Siniora cabinet and to prevent parliamentary action that could "split the country." He said that the Speaker of the European Parliament was coming to

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Lebanon soon, and thus Berri was thinking about calling a session for MPs to hear the European visitor. He would have done the same for Speaker Pelosi, had he realized in April what Lahoud intended. This session to hear the visitor would count as an ordinary session, thus depriving Lahoud of the constitutional ability to dissolve parliament. But, to do this, Berri urged the Ambassador to help him convince the March 14 majority to send only MPs, not government ministers and not Siniora, and to agree to listen to the visitor and leave, without trying to force further parliamentary action.

110. (S) Help me convince them, Berri begged, to see that, even if they don't like such a limited session, it is better than having no sessions. Berri clarified that he did not want the Ambassador to share with March 14 leaders the entire plot he described, just the fear that Lahoud could try to dissolve parliament if it doesn't meet. "If I read about this in the papers, I'll have to keep parliament closed completely." (Comment: Berri was not explicit, but we think he was suggesting that he is under Syrian orders to deny any legitimacy to the Siniora cabinet. Having the ministers sit as usual on the dais behind the Speaker would do that, so he wants our help in avoiding such a scene. He is also under orders, presumably, not to allow controversial discussions such as Hizballah's arms or the tribunal to reach the Chamber floor. But he does not seem to be under -- at least not yet -- an absolute Syrian order to keep the chamber completely

shuttered. So, under the proposed session, Berri could tell the Syrians that he scrupulously followed their orders and had no idea that they intended the parliament to be closed entirely. We don't doubt that Berri plays games even with the Syrians. End Comment.)

¶11. (S) The Ambassador asked Berri whether he really thought Lahoud was so clever as to come up with such a complicated scheme on his own. "Of course not!" Berri shouted. The Syrians gave him the basic outlines, and Lahoud's legal advisor Selim Jeressaiti came up with the implementation plan. The Ambassador asked whether Michel Aoun would bring his bloc along. Yes, because the stereotype about Aoun being obsessed with the presidency is true. All the pro-Syrians have shown him how the status quo will never result in an Aoun presidency, whereas this situation might. "I am really worried," Berri said.

BERRI EXPRESSES LITTLE CONCERN
WITH UNSC ACTION ON TRIBUNAL

¶12. (S) The Ambassador asked Berri how Chapter VII consideration of the Special Tribunal for Lebanon affected his thinking: if the UNSC established the tribunal now, would it be easier for him to call for a more normal parliamentary session? Berri said that the tribunal and the Lahoud scenario he described aren't related at all. Throwing up his hands, he said of the tribunal that the UNSC should "approve it under Chapter VII, Chapter 67, or whatever -- I don't care!"

COMMENT

¶13. (S) Talk of two cabinets has been buzzing through Lebanon's political circles for weeks. But Berri's scenario -- which did not strike us as that far-fetched, now that we have been musing on it all afternoon -- sets up two entirely parallel structures. The March 14 majority would continue to recognize Siniora's cabinet and the existing parliament, as would most of the international community. But what would the Lebanese Armed Forces do, if Hizballah-filled mobs start to try to take over ministries or even the Grand Serail in order to install "their" ministers? And what happens when it comes time to elect a new president? We have only until May 31 to prevent such a scenario from unfolding, if what Berri suspects is what the Syrians and Lahoud actually have in mind.

¶14. (S) Taking it all personally, Berri struck us as truly infuriated that someone would tinker with "his" institution. He postured as if he had been left out of the Syrian scheming (or, more correctly, let in on only part of the Syrian scheming). If he now realizes that he was being used by the Syrians to destroy the institution he heads, maybe he can be a useful ally in denying Lahoud the pleasure of picking his own PM and cabinet. But it is not plausible that Berri told us everything he knows or thinks, about this or anything

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else. Maybe he was part of the planning but only belatedly realized that there is no guarantee he will be back as Speaker in what would be a far more Hizballah-dominated second parliament. Maybe he doesn't want to be torn between leaving his current position upon Lahoud's dissolution orders, when he knows that the March 14 rump parliament will continue to meet and enjoy international legitimacy. We tend to agree that it is better to have a parliament session even under Berri's restricted scenario than to have no parliament session at all, but we must think about how Berri might be trying to enlist us in foisting his own ideas onto the March 14 majority. We cannot recall a more significant or interesting meeting with the Speaker. Stay tuned.
FELTMAN